

REMARKS

The new drawings requested by the Examiner to support the claimed subject matter are provided herewith.

The specification has been supplemented at pages seven (7) and nine (9) to provide proper antecedent basis for the subject matter originally entered in the specification by original claims 3-7 (now canceled). In the original specification a typographical error in claim 7 resulted in the angle of twenty-two and one-half degrees (one-half of a forty-five degree angle) being identified as twenty degrees. This correction has been made and is not believed to represent new matter.

Claim 2 has been amended to include the missing word "voids".

The rejection under 35 U.S.C. §112 has been corrected by the amendment of claim 1, the entry of new claims 8-11 and the cancellation of original claims 3-7. New claims 8-11 depend from amended claim 1 and present the subject matter of claims 3-7, it is believed, in better form for examination.

Rejections under 35 U.S.C. §102 and 35 U.S.C. §103

The Applicant respectfully seeks to traverse the rejection of claims 1 and 2 under 35 U.S.C. §102(b) based on the patent to Arends. To expedite the comparison of the present invention with the Arends device, the Examiner's attention is invited to an attached copy of Fig. 2 (see, page 6 of this paper) taken from the present specification on which the terms used in Claim 1 have been associated with the portions of the present invention.

Figs. 1-11, 13, 18 and 19 of Arends show that the Arends device does not have a "generally flat base member for supporting a workpiece thereon" (amended claim 1, line 2) that is connected to a first side wall and a second side wall "at a generally right angle to said flat base member" (amended claim 1 at lines 6-9).

As the drawings of Arends show, and as the Arends specification states at column 3, lines 42-43, "the arms, 105, taper down to thin leading edges, 110." Further, the drawings of Arends show that this feature is a "taper" or gentle curve and not a "right angle" as is now claimed for the present invention in amended claim 1.

The Arends device as shown in the embodiments of Figs. 1-3, 8-13 and 18-19 does not include the "void extending upwardly from said base member and between said first and second adjacent ends" as is claimed in lines 11 and 12 of claim 1. It is this void which allows the pointed end of a corner, in particular, a mitered corner to be exposed for removal of glue from the corner joint (see the present specification at page 10, line 11 to page 11, line 14) and to prevent the pointed edge from interfering with proper alignment of the work pieces against side walls 14, 16 (see Fig. 4).

The Arends patents in Fig. 4 shows a void 120, but this void is does not extend to the sidewalls of Arends as is claimed in Claim 1, lines 13-14 for the present invention. While the Arends device in Figs. 4-6 does show a depression 145 between arms 105, inspection of Fig. 18 of Arends shows that fence 315 of Arends blocks depression 145 when the Arends device is in use and therefore the Arends depression 145 cannot operate as does the claimed void of the present invention.

Additional inspection of Fig. 18 shows that the placement of the Arends workpiece (a ceramic tile) is against leading edge 110 of the Arends device, and that

the body of the tile is resting upon sliding table 310 with fence 315 positioned through both of arms 105 of the Arends device. In amended claim 1 the workpiece is claimed to be supported on the "generally flat base member." This cannot be accomplished in the Arends device as 110 is a leading edge and the area between leading edge 110 and arms 105 of Arends is a taper as stated at Arends Column 3, lines 42-44:

"The arms, 105, taper down to thin leading edges, 110."

With the use of fence 315, the Arends device is incapable of allowing entry of a pointed edge 50 of a work piece as shown in Fig. 4 to be engaged within the upwardly extending void 34 between sidewalls 14, 16 of the present invention.

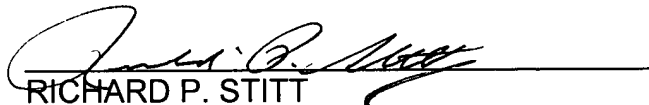
Therefore, the Applicant believes Arends device does not anticipate amended claim 1 as the portion of the Arends device (leading edge 110) which is used orient the tile of Arends is not the same as "a generally flat base member for supporting a workpiece thereon" and Arends leading edge 110 does not have a right angle connection to the first and second sidewalls 14,16 as claimed in the present invention. Rather, the Arends device has a gentle sloping surface between leading edge 110 and arms 105 of the Arends device.

The Arends patent was combined with the patent to Cunningham (U.S. Pat. No. 5, 090,129) to form a rejection under 35 U.S.C. 103(a) for claims 4-7. In view of the amendment to claim 1 and the foregoing arguments, the Applicant respectfully suggests that the Arends does not teach or suggest "a generally flat base member for supporting a workpiece thereon" and sidewalls having a right angle connection to the base. Therefore, the combination with Cunningham does not teach or suggest the use of the alternate claimed angles between sidewalls 14, 16.

A marked-up version of the claim amendments is attached hereto and captioned
"Version With Markings to Show Changes Made"

Reconsideration of the application as amended respectfully is requested. The
foregoing amendment and remarks are believed to be responsive to every matter raised
in the office action. However, if some matter has been overlooked, an opportunity to
correct the oversight would be appreciated.

Respectfully submitted,



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INVENTOR: JEVONS, et al
Serial No. 10/061,638

PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|--------------|-------------------------------|
| Date: | February 19, 2003 |
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| Applicant: | JEVONS, Robert E |
| Title: | THREE DIMENSIONAL SQUARE TOOL |

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AMENDMENT VERSION WITH MARKINGS TO SHOW CHANGES MADE

Deletions are presented with a ~~strikeout line~~ and additions are double underlined.

1. A workpiece positioning tool comprising:

~~an L-shaped,~~ a generally flat base member for supporting a workpiece thereon,

said base member having first and second legs joined at a 90 degree

angle, said first and second legs having front edges and back edges, said

first and second legs having unobstructed leg ends and unobstructed front

edges,

a first sidewall connected to said back edge of said base member first leg at a

generally right angle to said flat base member,

a second sidewall connected to said back edge of said base member second leg

at a generally right angle to said flat base member, said second sidewall

having a first end adjacent said first sidewall and an unobstructed second

end, and said first sidewall having a first end adjacent said second

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1 sidewall, and an unobstructed second end,
2 a void extending upwardly from said base member and between said first and
3 second adjacent ends.

4 2. The workpiece positioning tool as claimed in claim 1 further comprising a plurality
5 of voids in said base member and said first and second sidewalls for securing the tool
6 to a workpiece.